

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST COURT
AT DANVILLE, VA
FILED
for Koankee
JUL 23 2010
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LONNIE OGLESBEE,) **Civil Action No. 7:10-cv-00322**
Plaintiff,)
)
v.) **ORDER**
)
WARDEN TERRY O'BRIEN, et al.,) **By: Hon. Jackson L. Kiser**
Defendants.) **Senior United States District Judge**

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that plaintiff's motion to proceed in forma pauperis is **GRANTED**; plaintiff's complaint is **DISMISSED without prejudice**, pursuant to 42 U.S.C. § 1997e(a) and 28 U.S.C. §§ 1915 and 1915A, for failing to exhaust administrative remedies; and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile the action at a time of his choosing after he has exhausted his administrative remedies as to each claim he wishes to litigate.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff. *f*

ENTER: This 13 day of July, 2010.

Senior United States District Judge